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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,847	NEWMAN ET AL.	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/19/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12,14-27 and 29-30 have been considered but are moot in view of the new ground(s) of rejection.

2. With regard to claims 13 and 28, withdrawal of claims 13 and 28 is not sufficient to overcome the rejections of those claims presented under 35 USC 112, second paragraph and 35 USC 103(a). Claims 13 and 28 must be amended or cancelled in order to overcome those rejections.

Claim Objections

3. Claim 14 remains objected to because of the following informalities: There appears to be a typographical error "to be accesses by" in line 2. The Office recommends that the claim be amended to recite "to be accessed by".

4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 13 and 28 contain the trademark/trade name Quicktime. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a video player and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. *Claims 1-4,6,7,16-19,21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al ("Networking, Videoconferencing and Collaborative Environments", 1998) (cited as reference V in the first Office action) in view of Nuber et al. (5,703,877).*

10. With regard to claims 1 and 16, to simplify identification of the components of the reference, the Examiner has numbered elements of Fig 3 in Galvez.

11. With regard to claim 1, Galvez discloses a virtual room videoconferencing system for transporting packets of videoconferencing data, (Fig 3) comprising: a first and second computing device (Fig 3, 1 and 2); a first reflector connected to said first and second computing devices (Fig 3, 3); a tunnel connecting said first reflector to a second reflector (Fig 3, 4); and a third computing device connected to said second reflector (Fig 3, 5) (Page 4, Line 34 to Page 6, Line 1). Galvez fails to specifically disclose a resynchronizer to resynchronize the videoconferencing packets if a number of lost packets exceeds a threshold.

Nuber discloses a similar system wherein resynchronizer that resynchronizes audio packets when the number of lost packets exceeds a threshold (Col 5, Lines 21-47). This allows a small amount of errors to occur in the audio stream without interrupting the signal, but will resynchronize the audio data when the packet loss is too high, maintaining a good quality of service with minimal interruptions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a resynchronizer to resynchronize the videoconferencing data when packet loss exceeds a threshold since it maintains synchronization between the audio and video without, but allows some errors to occur to reduce instancès in which resynchronization is required.

12. With regard to claims 2 and 17, Galvez further discloses a packet wherein said packet travels from said third computing device, to said second reflector, across said tunnel to said first reflector, and to said first and second computing devices (Packets are sent across the tunnel when participants are in the same virtual room on both sides)(Page 5, Line 1 to Page 6, Line 1).

13. With regard to claims 3 and 18, Galvez further discloses that said packet carries an audio signal (Page 5, Line 3).

14. With regard to claims 4 and 19, Galvez further discloses that said packet carries a video signal (Page 5, Line 3).

15. With regard to claims 6 and 21, Galvez further discloses a user interface (Page 4, Lines 27-28).

16. With regard to claims 7 and 22, Galvez further discloses that said user interface is in a web browser (Web interface) (Page 4, Lines 27-28).

17. *Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view Nuber et al. (5,703,877) in further view of Ruiu.*

18. With regard to claims 5 and 20, while the system disclosed by Galvez and Nuber shows substantial features of the claimed invention (discussed above), it fails to disclose that said video signal is compressed in an MPEG 2 format.

Ruiu teaches that the MPEG 2 format is a very efficient and well known video compression method, which converts analog or digital video signals into efficiently transported digital packets. Using MPEG 2 compressions allows video signals to be transmitted using as little as $1/30^{th}$ of the required bandwidth of the uncompressed signal (Page 2, Lines 1-20). Use of MPEG 2 to compress the video signal would have been advantageous since it would have significantly reduced the bandwidth required to transmit the signal over the network, increasing the overall quality of the transmission.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use MPEG 2 to compress the video signal since it can significantly reduce the bandwidth required to transmit the video signal across the network.

19. *Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Nuber et al. (5,703,877) in further view of McCormack et al. (US 6,212,195).*

20. With regard to claims 8 and 23, while the system disclosed by Galvez and Nuber shows substantial features of the claimed invention (discussed above), including one or more packets carrying audio signals to said first and second computing devices (Page 5, Line 3), it fails to disclose an algorithm configured to determine a single packet from said packet and said one or more additional packets wherein said single packet has a largest audio magnitude.

McCromack et al. (McCormack, hereafter) teaches a method of choosing between a plurality of incoming audio streams to a conference comprising analyzing the packets to determine which packet has the largest magnitude, and choosing to use that packet as the audio source and discarding the other packets (Col 7, Lines 10-13). This gives priority to the loudest speaker and prevents a combination of audio signals from being played simultaneously, which would make it difficult to understand the speakers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to analyze incoming audio packets when a plurality of audio packets are received simultaneously to determine which packet has the largest audio magnitude. This allows a single audio stream to be chosen and played to the conference, eliminating the sound of multiple speaking simultaneously. This makes it easier to understand the speakers by limiting the system to one speaker at a time.

21. *Claims 9-12 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of DeGollado et al. (US 6,411,623).*

22. With regard to claims 9 and 24, Galvez discloses a virtual room videoconferencing system (Fig 3) comprising: a first and second computing device (Fig 3, 1 and 2); a first reflector connected to said first and second computing devices (Fig 3, 3); a tunnel connecting said first reflector to a second reflector (Fig 3, 4); and a third computing device connected to said second reflector (Fig 3, 5) (Page 4, Line 34 to Page 6, Line 1). However, Galvez fails to specifically disclose a first encoder/decoder box connected to said first and second computing devices for encoding/decoding video conference data for the first and second devices or a second encoder/decoder box connected to said second reflector for encoding decoding video conference data for the third computing device.

DeGollado discloses a similar system for distribution of audio/video data (Col 5, Lines 44-46). DeGollado teaches using a first encoder/decoder box connected to a first and second computing device and a second encoder/decoder box connected to a third computing device (Col 6, Lines 14-36 and Fig 2). This allows the video signals from each device to be encoded for transfer over the network and decoded by the receiving devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the computing devices to encoder/decoder

boxes in order to encode and decode the audio/video data. This allows the data to be securely transmitted across the network, and reduces the amount of data that must be transmitted.

23. With regard to claims 10 and 25, in light of the connection of encoder/decoder boxes to the computing devices as discussed regarding claim 9, Galvez further discloses a packet wherein said packet travels from said third computing device, through said second encoder/decoder box, to said second reflector, across said tunnel to said first reflector, through said first encoder box, and to said first and second computing devices (Packets are sent across the tunnel when participants are in the same virtual room on both sides)(Page 5, Line 1 to Page 6, Line 1).

24. With regard to claims 11 and 26, Galvez further discloses that said packet carries streaming video (Page 5, Line 3).

25. With regard to claims 12 and 27, Galvez further discloses that said streaming video is used with a video player (Page 5, Fig 1 and 2).

26. *Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of DeGollado et al. (US 6,411,623) in further view of Official Notice.*

27. With regard to claims 13 and 28, Galvez in view of Degollado fails to specifically recite that the video player is a Quicktime player.

The Examiner takes Official Notice that Quicktime is an old and well-known video format, and would have been an advantageous addition to the system disclosed by Galvez and Degollado since it is a widely used video format, allowing many people to use the videoconferencing without requiring the installation of additional codecs.

28. *Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Nuber et al. (5,703,877) in further view of Zhu et al. (US 6,691,154).*

29. With regard to claims 14 and 29, while the system disclosed by Galvez and Nuber shows substantial features of the claimed invention (discussed above), it fails to disclose a shared desktop configured to be accessed by at least said first, said second, and said third computing devices.

Zhu et al. (Zhu, hereafter) teaches the use of a shared desktop as a means for one or more users of a conferencing system to share control of a desktop, allowing changes made by any user to be reflected in the desktop displayed to the other users (Col 5, Line 42 to Col 6, Line 4). This would provide several advantages by allowing conference participants to exchange information via the shared desktop such as demonstrating how to operate a software program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a shared desktop to the system disclosed by Galvez. The addition of a shared desktop would allow conference participants to exchange additional information through such operations as demonstrating the operation of a software program.

30. *Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvez et al. in view of Nuber et al. (5,703,877) in further view of Tucker et al. (US 6,590,604).*

31. With regard to claims 15 and 30, while the system disclosed by Galvez and Nuber shows substantial features of the claimed invention (discussed above), it fails to disclose that said computing devices are Mbone or H.323 clients.

Tucker discloses the use of H.323 clients in a similar videoconferencing system. H.323 is a well-known ITU standard for interoperability among voice and multimedia conferencing products. Using these clients ensures interoperability between all other endpoints in the system, as well as improving interoperability with other videoconferencing systems that use H.323 (Tucker, Col 2, Lines 46-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use H.323 clients as the computing devices in the system disclosed by Galvez in order to ensure compatibility between all conference participants and be in compliance with the ITU standards.

Conclusion

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS 7/11/2005

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